

REMARKS

The present amendment is in response to the Office Action dated September 17, 2008. Claims 1, 2, 4-15, and 17-23 are now present in this case. Claims 1,5,10, and 18 are amended.

The applicant thanks the examiner for the telephonic interview the applicant's attorneys on October 8, 2008. The applicants have amended the claims in accordance with the Examiner's suggestions.

Rejections under § 103(a) – Chan / Foulger

Claims 1, 2, 5-15, 17-19, and 21 stand rejected under 35 U.S.C. § 103(a) as unpatentable by U.S. Patent No. 6,760,759 to Chan combined with U.S. Patent No. 2006/0129536 to Foulger. The applicants respectfully traverse this rejection and request reconsideration.

The applicants believe these rejections are overcome because these claims have been amended to have at an element not taught by the cited references alone or in combination, specifically: "send[ing] a command file comprising instructions to assign command functions to controls on the wireless device." Support for this amendment may be found in the application, as originally filed in paragraph [0030] on page 6. For at least this reason, the applicants believe these rejections are overcome.

Rejections under § 103(a) – Chan / Foulger / Himmelstein

Claim 4 is rejected under 35 U.S.C. § 103(a) as unpatentable by U.S. Patent No. 6,760,759 to Chan combined with U.S. Patent No. 2006/0129536 to Foulger and U.S. Patent No. 2007/0203896 to Himmelstein. The applicants respectfully traverse this rejection and request reconsideration.

The applicants believe these rejections are overcome because these claims have been amended to have at an element not taught by the cited references alone or in combination, specifically: "send[ing] a command file comprising instructions

to assign command functions to controls on the wireless device.” For at least this reason, the applicants believe these rejections are overcome.

Rejections under § 103(a) – Chan / Foulger / Elsey

Claims 20 and 22 are rejected under 35 U.S.C. § 103(a) as unpatentable by U.S. Patent No. 6,760,759 to Chan combined with U.S. Patent No. 2006/0129536 to Foulger and U.S. Patent No. 2005/0002510 to Elsey. The applicants respectfully traverse this rejection and request reconsideration.

The applicants believe these rejections are overcome because these claims have been amended to have at an element not taught by the cited references alone or in combination, specifically: “send[ing] a command file comprising instructions to assign command functions to controls on the wireless device.” For at least this reason, the applicants believe these rejections are overcome.

Conclusion

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. The applicant has made a good faith effort to place all claims in condition for allowance. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 757-8203.

Respectfully submitted,
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